

Committee: Legal committee

Issue: Status of the protocols additional to the Geneva conventions of 1949 and relating to the protection of victims of armed conflicts

Student officer: Nefeli Lekatsa

Position: Co-chair

PERSONAL INTRODUCTION

Dear delegates,

My name is Nefeli Lekatsa and it is my great honour to serve as your co-chair in the Legal Committee at CSMUN's 5th session. I am especially looking forward to this year's conference, as the Legal Committee is one of the most challenging and intriguing committees of every MUN conference. Comprehending laws and their role in maintaining regional, national or international peace and security is the key element for the preservation and development of civil society. The status of the protocols additional to the Geneva conventions of 1949 and relating to the protection of victims of armed conflicts is a demanding topic with multiple aspects to focus on.

This document should assist you in gaining basic understanding of the topic at hand and help you organize your research, but it should in no case be the only source you draw information from. Researching your country's policy and history on this issue, as well as researching further details is crucial for the drafting of high quality resolutions and for your active participation during the debate.

However, you can contact me, may any questions arise. My personal e-mail is: nefeli-2001@hotmail.gr and your messages are welcome.

I wish you all a constructive and productive preparation and I will see you at the conference.

Kind regards,
Nefeli Lekatsa

TOPIC INTRODUCTION

In general, "wars may create winners and heroes, but they also generate suffering and sacrifice." [1] A victim is defined as a living creature sacrificed for religious rites. These ideas of sacrifice and suffering remain important even in armed conflicts that do not have religious connotations. Even though Modern wars are very incompatible with the great middle aged wars, they often demand the sacrifice and suffering of the entire population. War victims are therefore increasingly acknowledged, since mass numbers of organizations try to draw attention to them and make known the cruel injustices that have been done.

The Geneva Conventions and their Additional Protocols are at the centre of international humanitarian law, that controls the management of armed conflict and pursue to limit its effects. They particularly protect people who are not involved in warfare (civilians, health workers and emergency aid providers) and those who no longer participate in the warfare, such as wounded, sick and marooned soldiers and prisoners of war. The Conventions and their Protocols call for actions to be taken to prevent or put an end to all violations. They

contain strict rules to handle what is known as "grave breaches". Those responsible for grave breaches must be sought, tried or deported, regardless of their nationality.

DEFINITION OF KEY TERMS

Convention

"A Convention is a meeting or formal assembly, as of representatives or delegates, for discussion of and action on particular matters of common concern. An agreement, compact, or contract."¹

Protocol

"A preliminary memorandum often formulated and signed by diplomatic negotiators as a basis for a final convention or treaty."²

Armed conflicts

"A political conflict in which armed combat involves the armed forces of at least one state (or one or more armed factions seeking to gain control of all or part of the state), and in which at least 1,000 people have been killed by the fighting during the course of the conflict."³

International humanitarian law

"A set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not involved or no longer participate in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict."⁴

Grave breaches

"Those involving any of the following acts, if committed against persons or property protected by the Convention: willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or willfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."⁵

Treaty

¹ Dictionary.com Unabridged. Based on the Random House Dictionary, © Random House, Inc. 2017.

² "Protocol." Merriam-Webster. Merriam-Webster, n.d. Web. 20 July 2017.

³ Similes Dictionary, 1st Edition. © 1988 The Gale Group, Inc. All rights reserved

⁴ https://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf

⁵ https://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf

“an agreement or arrangement made by negotiation, a contract in writing between two or more political authorities (such as states or sovereigns) formally signed by representatives duly authorized and usually ratified by the lawmaking authority of the state”⁶

BACKGROUND INFORMATION

The headway of the Geneva Traditions is associated with the Red Cross, whose coordinator, Henri Dunant, began worldwide exchanges that made the Tradition for the Enhancement of the Injured in Time of War in 1864. This tradition suited the resistance from catch and demolition of all establishments for the treatment of harmed and wiped out officers and their work drive, the unprejudiced assembling and treatment of all fighters, the security of standard individuals offering manual for the harmed, and the affirmation of the Red Cross pictures as a strategy for perceiving individuals and rigging secured by assertion.

The 1864, Tradition was authorized inside three years by all the genuine European forces and moreover by various distinctive states. It was changed and connected by the second Geneva Tradition in 1906, and its game plans were associated with maritime battling through The Hague traditions of 1899 and 1907. The third Geneva Tradition, the Tradition which is identified with the Treatment of Detainees of War (1929), requires the treatment of aggressive prisoners of war to be thoughtful. Furthermore, suggests to furnish information about them, and enable authority visits to prison camps by agents of unprejudiced states.

Since a couple of belligerents in World War II had mauled the guidelines contained in before traditions, a Worldwide Red Cross meeting in Stockholm in 1948 created and orchestrated the present courses of action. The meeting made four traditions, which were embraced in Geneva on August 12, 1949: the Tradition for the Improvement of the State of the Injured and Wiped out in Military in the Field, the Tradition for the Enhancement of the State of the Injured, Wiped out, and Wrecked Individuals from Military Adrift, the Tradition With respect to the Treatment of Detainees of War, and the Tradition In respect to the Assurance of Regular citizen People in Time of War.

The underlying two conventions expanded on the decision that the weakened and harmed have fair and neutral status. The wartime hostage tradition furthermore amplified the 1929 tradition by requiring compassionate treatment, adequate supporting, and the transport of easing supplies and by blocking weight on prisoners to supply more than at any given rate. The fourth tradition contained little that had not been developed in overall law before World War II. In spite of the way that the tradition was not remarkable, the rejection of supportive gauges in the midst of the war made the reiteration of its benchmarks particularly imperative and advantageous. The tradition denied bury alia the ousting of individuals or social affairs, the taking of detainees, torment, total teach, offenses that constitute "stun upon individual regard," the weight of lawful sentences (tallying executions) without due-process guarantees, and biased treatment on the preface of race, religion, nationality, or political feelings.

In the decades after World War II, the immense number of anticolonial and insurrectionary wars was undermined to render the Geneva Traditions. After four years of Red Cross-bolstered exchanges, two additional traditions to the 1949 traditions, covering both warriors and consistent individuals, were avowed in 1977. The primary, Convention I, extended protection under the Geneva and Hague traditions to individuals required in wars of "confidence," which were reconsidered as all-inclusive conflicts. The tradition also enabled the establishment of reality finding commissions in cases of guaranteed breaks of the tradition. The second tradition, Convention II, extended human rights security to individuals required in outrageous basic conflicts, which had not been secured by the 1949 accords. It especially denied total teach, torment, the taking of detainees, exhibits of mental fighting,

⁶ Treaty." Merriam-Webster. Merriam-Webster, n.d. Web. 20 July 2017.

bondage, and "stun on the individual balance, particularly humiliating and debasing treatment, attack, maintained prostitution and any sort of foul strike."

The entire of the Icy War, had been covered in states all throughout eastern and central Europe, offered rise to different basic wars, clouding the refinement among inside and overall conflicts and entrapping the usage of relevant legitimate standards. In different cases (e.g., in Yugoslavia, Rwanda, and Somalia), the Assembled Countries Security Chamber reported that inside conflicts signified a peril to or a break of all-inclusive peace and security, which in this way made its resolutions on the disputes official on the warriors. Subsequently, of the Security Committee's activities in broadening the significance of worldwide furnished conflicts, a growing number of standards portrayed in the Geneva Traditions and their traditions have come to be seen as official on all states. Such standards fuse the pleasing treatment of normal people and of prisoners of war.

More than 180 states have pushed towards getting a social reformation to the 1949 traditions. Around 150 states got-together to Convention I; more than 145 states are social occasion to Convention II, however the Unified States is certainly not.

The essentialness of the Geneva Traditions and their additional traditions was reflected in the establishment of war-infringement tribunals for Yugoslavia (1993) and Rwanda (1994) and by the Rome Statute (1998).

TIMELINE OF EVENTS

| DATE | EVENTS |
|------|-------------------------------------------------------------------------------------------------------------------------------|
| 1864 | First Geneva Convention(Protection for wounded soldiers) |
| 1899 | Hague Convention (Contained laws for warfare, which banned certain types of weapons such as poison, poison gas, and bullets.) |
| 1906 | Second Geneva convention (Extension to sea warfare) |
| 1907 | Second Hague Convention (Made some minor modifications to the decisions made at the Hague Convention of 1899.) |
| 1929 | Third Geneva Convention (Protection of POWs) |
| 1949 | Fourth Geneva Convention (Protection of civilians in War) |
| 1979 | Protocols I and II of the Geneva Conventions |

COUNTRIES AND ORGANISATIONS INVOLVED IN THE ISSUE

Yemen

The Yemeni Civil War is a progressing struggle that started in 2015 between two groups guaranteeing to constitute the Yemeni government, alongside their supporters and partners. CNN's account of 8 April 2015, stated that very nearly 10,160,000 Yemenis were denied of water, sustenance, and power. Additionally, the report included sources from UNICEF authorities in Yemen and indicated that within 15 days, somewhere in the range of over 100,000 individuals in the nation were disjoined. Oxfam stated that more than 10 million Yemenis did not have enough to eat and around 850,000 children starved. More than 13 million citizens did not have access to clean water. 16 tons of supply were sent by UNICEF. The UN claimed that 7.5 million individuals had been influenced by their aid, and many needed restorative supplies, consumable water, sustenance, shield, and different types of support. It has additionally been said that the Houthis are gathering a war charge on products. "The political expert Abdulghani al-Iryani avowed that this duty is: "an illicit collect, generally blackmail that is not controlled by law and the sum is at the caution of the field authorities"."[8] As the war continued into the fall, things were exacerbated when Cyclone Chapala, the equal of a class 2 Hurricane, made landfall on 3 November 2015. As indicated by the NGO Save the Children, the pulverization of medicinal service offices and a human service framework about to collapse as a result of the war, will cause a predicted 10,000 preventable child passings every year. Somewhere in the range of 1,219 children have died as an immediate consequence of the conflict up to this point. Edward Santiago, the NGO's Yemen chief, was arrested in December 2016. Indeed, even before the war a huge number of Yemeni children were dying of preventable causes.

Central African Republic

The Central African Republic strife is a continuous war in the Central African Republic (CAR) between the rebels from the Séléka coalition and the Anti-balaka state armies. In 2015, guide laborers in the CAR were included in more than 365 security episodes. By 2017, more than 66% of standing offices had been harmed. The violations are frequently carried out by people not who are not part of any revolt gatherings. There have been escapes with more than 500 detainees who have run away from Nagaragba Central Prison, including warriors of both Christian and Muslim civilian armies.

In 2013 fatalities were 2,286–2,396+:

- March 2013: Seleka (Coalition of 5 Muslim revolt gatherings) ousted the government and seized control.
- March 24 – April 30: around 130 individuals slaughtered in Bangui.
- June: 12 villagers slaughtered.
- August: 21 killed amid the month
- 09 September: Bouca brutality 73-153 executed.
- 06 October: 14 slaughtered.
- 09 October: 30-60 slaughtered in conflicts.
- 12 October: 6 slaughtered.
- 4–10 December: 600-610 slaughtered in Bangui and different areas.
- December and January: 2,000+ slaughtered.



In May 2014, it was accounted for that around 600,000 individuals in CAR were dislodged with 160,000 of these in the capital Bangui. The Muslim population of Bangui dropped to 99% from 138,000 to 900. By May 2014, 100,000 individuals had fled to neighboring countries such as Cameroon, the Democratic Republic of Congo and Chad. In 2017, there are more than 434,000 inside uprooted individuals and 500,000 outcasts in neighboring nations out of a population of 4.8 million, with half requiring help. Cameroon facilitated the most outcasts, more than 135,000, around 90% of whom are Fulani, despite the fact that they constituted 6% of CAR's population.

Syria

On 23 April 2016, the United Nations and Arab League Envoy to Syria concluded that 400,000 that had died in the Syrian Civil War. UNICEF detailed that more than 500 children had been murdered by early February of 2012. Another 400 children were captured and tormented in Syrian jails. Both cases have been challenged by the Syrian government. Furthermore, more than 600 prisoners and political detainees died under torment by the beginning of 2012. By February 2017, Amnesty International evaluated up to 13,000 individuals had been executed in government detainment facilities. The United Nations expressed that before the finish of April 2014, 8,803 minors had been slaughtered, while the Oxford Research Group said that an aggregate of 11,420 kids had been murdered in the conflict by late November 2013. By mid-March of 2017, the Syrian Observatory for Human Rights (SOHR) detailed that the number of children killed in the war had escalated to 17,411, while in the meantime 10,847 women were killed.

The quantity of fatalities in the battle, as indicated by the Syrian restriction site Syrian Martyrs, is 151,888. The number incorporates 35,859 revolts however does exclude individuals from the administration security powers or expert government remote warriors who have lost their lives. The Syrian Martyrs' number of non-military personnel deaths are essentially higher than the ones exhibited by different associations, including the UN, one reason being they record deaths not including the ones where no names were given for the allegedly executed person.



South Sudan

Rebel troops went into the hospital in the town of Bor last month and slaughtered 126 out of 127 patients. Since the conflict began, more than 17,000 children were armed to fight in the conflict, with 1,300 recruited in 2016.

Reported incidents of sexual violence rose to 60% in 2016, with Mundri in Equatoria's Amadi State being called the epicenter of the problem. A United Nations survey found that 70% of women who were being sheltered in camps had been raped since the beginning of the conflict, with the vast majority of rapists being police and soldiers and that of 80% had witnessed a victim of sexual assault.

With increased tension with the UN and outside powers over the government's actions, there has been a new shift in violence by the government against foreign peacekeepers, aid workers and diplomats. During the 2016 Juba clashes, 80-100 South Sudanese troops entered the Terrain lodging office and assaulted five worldwide guide specialists. In July, warriors stripped a World Food Program distribution center, taking enough food to feed 220,000 people for a month, approximately worth about \$30 million. In July, a Rocket-propelled grenade was fired near a UN peacekeepers' vehicle with two Chinese peacekeepers dying after the government refused passage to a clinic 10 miles away. In December 2016, two staff members of the Norwegian Refugee Council were expelled from the country without a formal explanation. In the deadliest attack, six aid workers were killed in an ambush on 25 March 2017 bringing the number of aid workers killed since the start of the war to at least 79.



POSSIBLE SOLUTIONS

- Changing such structures to permit a more straightforward equity framework to handle sexual assaults after the end of the war would be a practical approach to building a better society ending wartime rape. A few commentators from the region suggest that taking measures to adequately arraign culprits is a reactionary, instead of a precautionary approach, which acknowledges the certainty of wartime assault.

- A possible solution would be to spread word of the standards and fundamental tenets of universal philanthropic law in time of peace, in order to have a well thoroughly considered program of direction.
- At the point when expansive scale infringement of universal philanthropic law happens, the main reaction must be an intensification of international law, whatever the troubles involved. For this reason, it is basic to talk with parties involved in conflict so as to get their sense of duty to respect the international humanitarian law, and to discover commonsense solutions for important issues, for example, access to people in need or to vulnerable prisoners. It is here that the ICRC's part as a particularly impartial and independent peacemaker accepts its full importance. The utilization of instruments given by global helpful law, specifically, the assignment of Protecting Powers or plan of action to the International Fact-Finding Commission, should likewise be energized.

BIBLIOGRAPHY

<https://www.preceden.com/timelines/72668-timeline-of-the-icrc>, Timeline of the icrc
<https://www.timetoast.com/timelines/103965>, Timeline of history of the Geneva Conventions

<https://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>, International Committee of the Red Cross
<https://www.britannica.com/event/Geneva-Conventions> Geneva Conventions, written by:Malcolm Shaw

<http://guides.library.harvard.edu/ihl> International Humanitarian Law. This guide was created by Trinie Thai-Parker and updated by the team of Foreign, Comparative and International Law Librarians at Harvard Law Library.

<http://www.iamsyria.org/death-tolls.html> Death count in Syria

<https://www.unicef.org.uk/what-we-do/war-conflict/> United Kingdom Committee for UNICEF. Registered charity 1072612 (England and Wales) and SC043677 (Scotland). Registered company limited by guarantee 3663181 (England and Wales). Registered office: 30a Great Sutton Street, London EC1V 0DU. All images © Unicef except where noted.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2080482/> Santa Barbara J. Impact of War on Children and Imperative to End War. Croatian medical journal. 2006;47(6):891-894.

<https://www.icrc.org/en/international-review/war-victims>

Treaties, States parties, and Commentaries - Geneva Convention (IV) on Civilians, 1949 - 147 - Penal sanctions II. Grave breaches. N.p., n.d. Web. 20 July 2017. <https://ihl-databases.icrc.org/ihl/WebART/380-600169>

Treaty." Merriam-Webster. Merriam-Webster, n.d. Web. 20 July 2017. <https://www.merriam-webster.com/dictionary/treaty>

"War victims." International Committee of the Red Cross. N.p., 09 Mar. 2016. Web. 20 July 2017.

Dictionary.com Unabridged. Based on the Random House Dictionary, © Random House, Inc. 2017.

<https://www.merriam-webster.com/dictionary/protocol>

Similes Dictionary, 1st Edition. © 1988 The Gale Group, Inc. All rights reserved.

https://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf

Treaties, States parties, and Commentaries - Geneva Convention (IV) on Civilians, 1949 - 147 - Penal sanctions II. Grave breaches. N.p., n.d. Web. 20 July 2017.

Treaty." Merriam-Webster. Merriam-Webster, n.d. Web. 20 July 2017.

"Yemeni Civil War" [https://en.m.wikipedia.org/wiki/Yemeni_Civil_War_\(2015–present\)](https://en.m.wikipedia.org/wiki/Yemeni_Civil_War_(2015–present)), Al-Abyad, Said

["South Sudan hikes visa cost to \\$10,000 amid famine"](#). Alaraby. 5 March 2017. Retrieved 6 March 2017.

MULTIMEDIA SOURCES

<https://newrepublic.com/article/117584/photos-horrifying-conflict-central-african-republic>

<https://youtu.be/nKzpUCv5Olo>

<https://youtu.be/812KI10wVK8>

<http://www.dailymail.co.uk/news/article-4381838/Russia-says-sarin-attack-caused-terrorist-weapons.html>

<https://m.imgur.com/gallery/R0QbdRA>